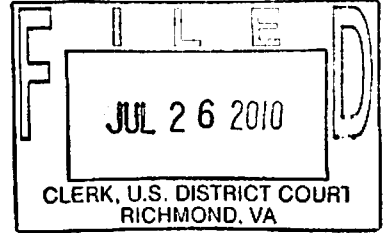


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ePLUS, INC.,

Plaintiff,

v.

Civil No. 3:09cv620

LAWSON SOFTWARE, INC.

Defendant.

ORDER

Having considered the PLAINTIFF'S MOTION IN LIMINE NO. 7 TO EXCLUDE EXPERT OPINIONS OF PHILIP GREEN THAT ARE UNRELIABLE, UNSUPPORTED IN FACT, AND THAT HE IS UNQUALIFIED TO PRESENT (Docket No. 269), it is hereby ORDERED that the motion is granted as to the testimony about Lawson's unrelated software and technology agreements, which are irrelevant, and, any marginal relevance the testimony may have is substantially outweighed by the risk of jury confusion and unfair prejudice, and thus is excluded by FED. R. EVID. 403. It is further ORDERED that the motion is granted as to the opinions comparing the Patents-in-Suit to old modes and devices because there is no showing that Green relied on the opinion of the Defendant's technical expert in submitting his report and Green is admittedly unqualified to offer that foundational evidence on his own.

It is further ORDERED that the motion is held in abeyance as to Green's opinions about non-infringing alternatives and the reliability thereof until a foundation is laid. However, if, as appears to be the case, the report relies only on a legal brief filed in the Patent and Trademark Office, the testimony will be excluded because it is unreliable and will not assist the jury in understanding the evidence and determining a fact in issue.

The issues are adequately briefed and oral argument would not materially aid the decisional process.

It is so ORDERED.

/s/ REP
Senior United States District Judge

Richmond, Virginia
Date: July 23, 2010